

THE INDUSTRIAL COURT OF ANTIGUA AND BARBUDA

REFERENCE NO. 8 OF 2019

BETWEEN:

GLASMINE JAMES

and

CARLISLE BAY RESORT LTD



Employee

Employer

FINAL ORDER AFTER TRIAL

Before:

The Hon. Charlesworth O.D. Brown

The Hon. Collin R. Maynard

The Hon. Hesketh A. Williams

President

Member

Member

DATED the 13th day of April, 2023

ENTERED the 08th day of May, 2023

APPEARANCES:

Ms. Joanne M. Massiah, Attorney-at-Law for the Employee

Mr. Hugh Marshall Jr. of Marshall & Co., Attorneys-at-Law for the Employer

THIS REFERENCE having come up for trial.

UPON READING, HEARING AND CONSIDERING the written and oral evidence of the parties.

AND UPON HEARING the oral submissions of Counsel for the Employee and Counsel for the Employer;

IT IS HEREBY DECLARED that:

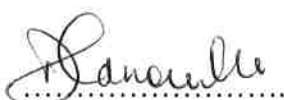
1. The Employee was unfairly dismissed and is entitled to compensation.
2. The dismissal was unduly harsh, oppressive and contrary to good industrial relations practices.

HAVING REGARD to the Employee's last position as Front Office Manager, her tenure of over 12 years, her weekly salary rate of \$2,000.00 and the long period between November 2015 and December 2016 during which she received no salary.

IT IS HEREBY ORDERED that:

1. The Employer do pay outstanding salary, compensation and costs to the Employee as follows:
 - a. Outstanding Accrued Salary
The sum of **\$116,000.00** ($2,000 \times 58$), representing outstanding salary for 58 weeks between November 1, 2015 to December 12, 2016.
 - b. Payment in Lieu of Notice
The sum of **\$8,666.67**, $[(2,000 \times 52) \div 12]$ the equivalent of one month's salary.
 - c. Loss of Protection
The sum of **\$106,166.71** ($8,666.67 \times 12.25$), the equivalent of severance pay at the rate of one month's salary per year for 12.25 years.
 - d. Immediate Loss
The sum of **\$26,000.01** ($8,666.67 \times 3$), the equivalent of three months' salary.
 - e. Exemplary Damages
The sum of **\$17,333.34** ($8,666.67 \times 2$), the equivalent of two months' salary, by reason of the harsh and oppressive nature of the dismissal.
 - f. Costs
The sum of **\$1,500.00**, on account of the exceptional reasons determined at trial.
2. The Employer shall pay the aggregate sum of **\$275,666.73** to the Employee as outstanding salary, compensation and costs in respect of her unfair dismissal no later than May 31, 2023.

BY THE COURT



Denniel Canoville
Registrar